



FREDERICK COUNTY PLANNING COMMISSION

October 14, 2015

TITLE: Route 85 Auto Spa

FILE NUMBER: SP-99-19, AP 15247, APFO 15249, FRO 15250

REQUEST: **Site Development Plan and APFO Approval**
The Applicant is requesting site development plan and adequate public facilities approval for construction of a 5,120 square foot automated car wash, on a 1.46-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: Located along the west side of Buckeystown Pike (MD 85), north of Grove Road

TAX MAP/PARCEL: Tax Map 077, Parcel 097

COMP. PLAN: General Commercial

ZONING: General Commercial

PLANNING REGION: Frederick

WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: WLR Investment Group

OWNER: Newman Park Association

ENGINEER: Terra Solutions, LLC

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1-Site Plan Rendering
Exhibit 2- Rt 85 Auto Spa Letter of Understanding (LOU)
Exhibit 3- Loading Space Modification Request

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site development plan and adequate public facilities approval for a 5,120 square foot automated car wash, on a 1.46-acre site. The proposed use is being reviewed as a "Carwash" land use under the heading of *Automobile and Related Services* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the General Commercial (GC) Zoning District subject to site development plan approval, see Graphic #2.

BACKGROUND

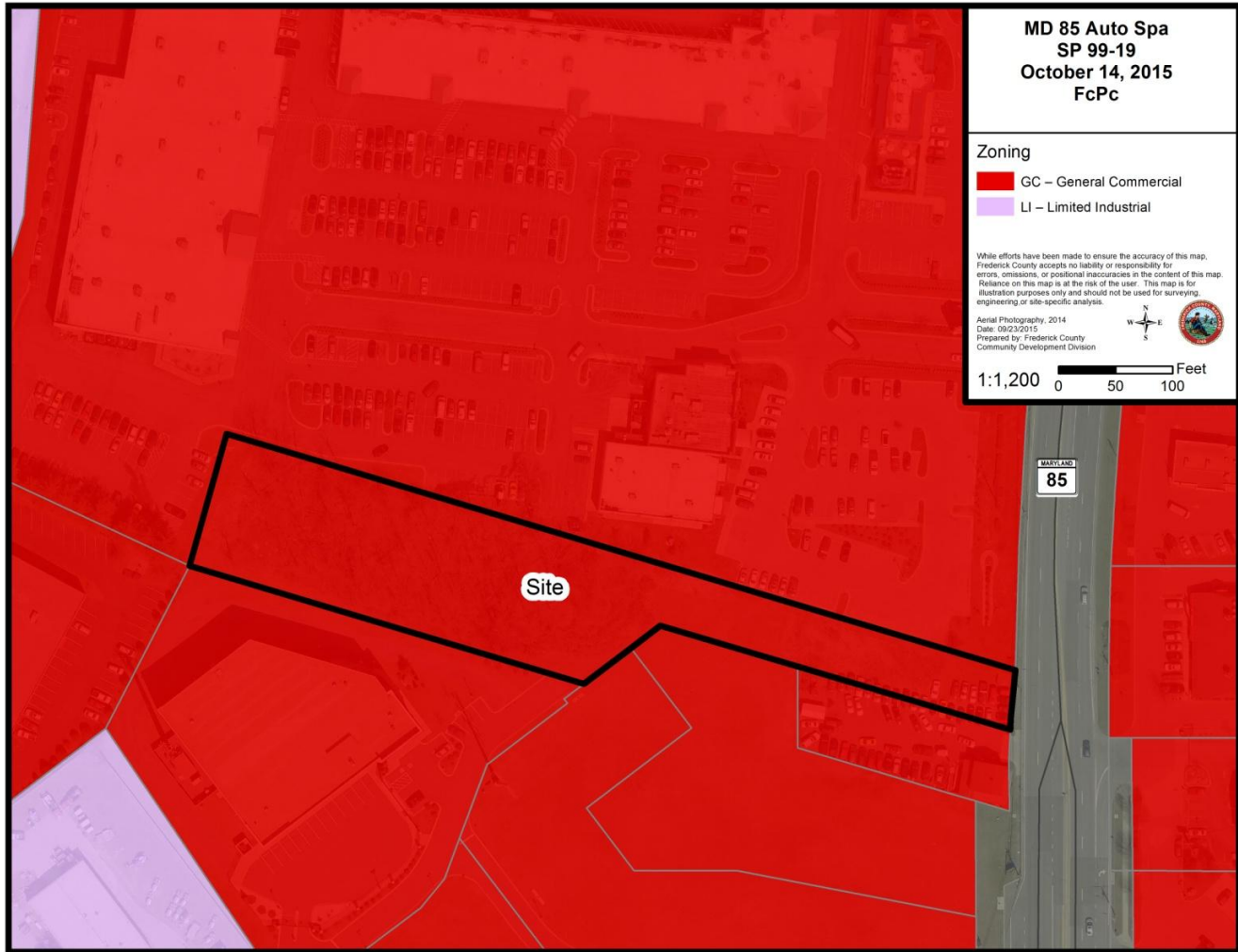
Existing Site Characteristics

The site and all immediate surrounding parcels are zoned General Commercial. The site is undeveloped, see Graphic #1. The property to the north and west of the site is developed with the Evergreen Plaza Shopping Center, the property to the south was the subject of a recent site plan approval for a 30,803 square foot grocery store, and the property to the east is an existing used car dealership.

Graphic #1: Site Aerial



Graphic #2: Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development proposal are working towards redundant connectivity between the car wash parcel and the adjacent parcels to the north and the south. The proposed plan includes one connection located on the west portion of the subject property to allow access to the adjacent Evergreen Shopping Center to the north, and southern connections to the existing used car dealership as well as the approved grocery store. In addition, Staff is working with the Applicant to increase connectivity and redundancy between the subject parcel and the shopping center to the north. As part of this effort the Applicant has provided for an additional future connection to the north on the east end of the subject parcel. The Applicant and Staff worked on the overall on-site circulation in order to ensure that the internal traffic circulation will function properly with the addition of the inter-parcel connections to the north and south.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** The proposed Site Development Plan adheres to the lot dimensions required for a Commercial Use in the General Commercial Zoning District.

The proposed setbacks for the car wash are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	12,000	1.46 acres
Minimum Lot Width	100'	120'
Front Yard	25'	58.7'
Side Yard	8'	44.5' & 25.7'
Rear Yard	25'	187.2
Max Building Height	60'	22'

2. **Signage §1-19-6.300:** The Applicant is permitted to have 67.7 square feet of total signage based on the length of the facade facing the public street. The signage calculation is listed in Signage Note #20 on Sheet 1 of the site plan. The Applicant intends to utilize the total 67.7 square feet of allotted signage. The total proposed amount of signage meets the requirements of the zoning ordinance.
3. **Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan on Sheet 1 of the site plan. The landscaping plan proposes a mixed of evergreen and deciduous tree species in order to be compliant with the zoning ordinance as well as increase the aesthetic of the site and overall development. A total of 3 street trees and 5 trees at the ends of the parking bays are required. The Applicant proposes a total of 24 trees to be located along the west and southern property boundaries, as well as at the ends of the parking bays. In addition, proposed shrubs act as buffering and screening along the entrance drive. The proposed landscaping meets the requirements listed in 1-19-6.400 of the Zoning Ordinance for canopy cover, parking area landscaping, buffering and screening and street trees.
4. **Lighting §1-19-6.500:** The Applicant has proposed a lighting plan, which is shown on Sheet 3 of the site plan. The Applicant is proposing 5-16' foot tall light poles, and 8 building mounted lights. The lighting plan adheres to the requirements of 1-19-6.500 although there are four areas of slight spillage located at the southern property boundary near the used auto dealership that will need to be lowered prior to final site plan approval.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** This site has frontage on MD 85. The MD 85 ingress/egress will also provide access to the approved grocery and the existing EZ Storage building to the south of the proposed car wash. The MD 85 access to the car wash will be a right-in/right-out only. A median will be built by the Applicant on MD 85 to physically prohibit left turns into and out of the site.

A secondary access point is proposed as a 40' wide full movement internal access with the existing private driveway that eventually connects with Grove Road. This internal access also serves the existing EZ Self Storage building and the approved grocery store. The existing private driveway is intended to provide interior access from Grove Road through the car wash site with

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two eventual connections to the existing Evergreen Shopping Center to the north. On the far western corner of the site there is a proposed 30' wide full movement access to the Evergreen shopping center located to the north. Due to the limited visibility and access to this western connection to Evergreen Shopping Center, Staff worked with the Applicant to show a 280' wide ingress/egress construction easement in order to create flexibility in placing a future common access between the two uses if/when Evergreen Shopping Center is modified/redeveloped. Prior to site plan approval all common access easements shall be recorded and the respective liber folio's listed on the site plan.

2. **Connectivity §1-19-6.220 (F):** The proposed car wash site will utilize the existing access point to MD 85 to the east as well as an access point to the private driveway that runs north/south from Grove Road. The site provides numerous existing and potential access points and connections with surrounding properties. On the far western corner of the site there is a 30' wide full movement access to the Evergreen Shopping Center, which will be built during the overall site construction. The Applicant is also working with Staff, as well as the owners of Evergreen Shopping Center, to add another northern access connection on the eastern portion of the site. Due to the existing uses within the Evergreen Shopping Center, Staff and the Applicant created a 280' wide ingress/egress construction easement in order to create flexibility in placing a common access between the two uses if/when Evergreen Shopping Center is redeveloped.

There is also a 30' wide full movement access to the existing used car dealership to the south along the main entrance/exit to the car wash. As described in the LOU, once the new right-in/right-out access driveway with MD 85 is built, the State Highway Administration (SHA) plans to revoke the dealership's access permit on MD 85 and the Applicant will physically remove the driveway as part of its SHA required access improvements, thus resulting in an overall safer access scheme.

3. **Public Transit:** This site is served by the #20 Francis Scott Key Mall Connector with a stop located nearby along northbound MD 85 at the northeast corner with Grove Road.

4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**

- a. **Parking:** In accordance with Z.O. § 1-19-6.220.A. (4), the parking requirements for automobile related uses are 2 spaces per service bay, plus 1.5 per each employee. Customers will remain inside their vehicle during the car wash and no service bays proposed; therefore parking spaces for the bays are not required. There will be a maximum of three employees in one 8 hour shift.

Therefore, the required number of parking spaces is 5 (3 employees x 1.5 = 5 spaces) with 1 ADA accessible space. The Applicant has provided 6 vehicle parking spaces, including 1 ADA space.

- b. **Loading:** The Applicant is required to provide 1 large loading space in accordance with Zoning Ordinance Section 1-19-6.210 for the building. Based on characteristics of the proposed operation and similar facilities owned by the Applicant a modification is being requested in order to provide one small loading space instead of one large loading space. The Applicant has provided a modification justification statement (see Exhibit #3)

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant has provided 1 bike rack at the exit of the car wash as required by Zoning Ordinance. A note has been added to the plan to require that the bicycle parking meet the standards of the Frederick County Bicycle Design Guide.

- 6. Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant worked with Staff in order to design safe and efficient pedestrian circulation and waiting areas within the customer service portion of the site. The customers will remain in their vehicles during the cleaning, customers will only be outside of their vehicles during detailed cleanings. In an effort to allow for ultimate flexibility, final details of interparcel pedestrian connectivity have not been finalized. The Applicant shall work with Staff to identify and construct interparcel pedestrian connections as the project moves forward toward completion and prior to final site development plan signature approval.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

- 1. Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-1, S-1. The site will be served by water coming from New Design Road Water treatment plant and sewer flowing into the Ballenger McKinney Wastewater treatment plant.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

- 1. Topography:** The site is level with MD 85 and Grove Road.
- 2. Vegetation:** The western portion of the site contains primarily deciduous trees with some evergreens. The eastern portion is planted with grass.
- 3. Sensitive Resources:** The site does not contain wetlands, FEMA floodplain, flooding or wet soils.
- 4. Natural Hazards:** There are no natural hazards located on this site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

- 1. Proposed Common Area:** The site is a place of business, there are no common areas proposed.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A: The proposed use is non-residential; therefore, MPDUs are not required.

Stormwater Management – Chapter 1-15.2: A stormwater concept/development plan has been submitted, reviewed and conditionally approved, see AP 15248.

APFO – Chapter 1-20 (see the Letter of Understanding - Exhibit 2):

1. **Schools.** Schools are not impacted because the development of the property is a non-residential use.
2. **Water/Sewer.** The Property has a water and sewer classification of W-1/S-1. While the public sewer and water facilities are currently adequate to serve the project, the Applicant recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that building permits will be issued. Building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable county regulations.
3. **Roads.** A traffic impact analysis (TIA) was performed for this Project by Street Traffic Studies, Ltd. dated February 4, 2015 and revised on April 30, 2015. Because the ITE trip generation rates for automated car washes are based on a very limited sample size, the Applicant provided acceptable trip generation data from a nearby Auto Spa in Frederick City. Therefore, development of the site would result in and be capped at: 89 mid-day and 94 pm weekday peak hour, and 104 Saturday peak hour trips.

The TIA was reviewed and approved by County and SHA staff and resulted in the following worst case peak hour levels of service (LOS) at critical intersections when considering existing traffic counts, trips attributed to pipeline development and the site, and fully funded improvements in the County and SHA construction funding programs:

1. MD 85/Guilford Rd: LOS = C
2. MD 85/Grove Rd: LOS = C
3. MD 85/Spectrum Dr: LOS C
4. MD 85/I-270 northbound Ramps: LOS = D
5. Grove Rd/Driveway Access with Site: LOS = A

Because all intersections operate at an adequate level of service (LOS = E or better in growth areas), no off-site mitigation is required. However the Applicant shall construct site access improvements as described in the LOU as required by the State Highway Administration and as shown on the site plan to include:

- Extension of the existing median to a point north of the site access
- Closing of the driveway immediately south of the proposed site access and providing that lot access with the site driveway
- A deceleration lane beginning at the access with Evergreen Square, immediately to the north of the site access

This improvement shall be guaranteed (SHA permit issued) prior to the issuance of the building permit and open to pedestrian and vehicular traffic for use, prior to the issuance of a Certificate of Occupancy.

The Applicant is required to provide fair share contributions to existing escrow accounts that are impacted by the site, per §1-20-12. The Applicant shall pay into County-held escrow accounts the following pro rata contributions:

1. No. 3976: Additional northbound left turn lane on MD 85 at Guilford Drive: The estimated cost of this improvement is \$439,527. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 10.7%. Therefore, the Applicant hereby agrees to pay \$47,029 to the escrow account for this Road Improvement.

2. No. 4292: Pedestrian improvements at the intersection of MD 85 at Grove Road: The estimated cost of this Improvement is \$100,000. As determined by DPP-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 28.7%. Therefore, the Applicant hereby agrees to pay \$28,700 to the escrow account for this Road Improvement.

3. No. 4025 for MD 85/Spectrum Dr. Intersection: Addition of a third southbound through lane, outside lane being a through/right turn lane. The estimated cost of right-of-way and construction for this improvement is \$1,474,010. The Applicant's proportionate share of this Road Improvement is 5.29%. Therefore the Applicant hereby agrees to pay \$77,975 to the escrow account for this Road Improvement.

Therefore, prior to this issuance of a building permit, the Applicant hereby agrees to pay \$153,704 to the escrow accounts for these Road Improvements. Should these payments not be made within one year of the execution of the APFO Letter of Understanding, the County reserves the right to adjust this amount, based on an engineering cost index.

Forest Resource – Chapter 1-21: The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan which has been approved. The property contains 0.91 acres of existing forest. The Applicant proposes to remove all 0.91 acres of forest, generating a 0.61 acre mitigation requirement. The Applicant proposes to provide mitigation via the purchase of forest banking credits. FRO mitigation must be provided prior to applying for grading permit or building permit, whichever is applied for first.

Historic Preservation – Chapter 1-23: There are no historic resources on this property.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Hold: Address agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	Approved
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved
Health Dept.	N/A
Office of Life Safety	Approved
DPDR Traffic Engineering	Conditional Approval
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Site Development Plan and Adequate Public Facilities Ordinance LOU, for a 5,120 square foot car wash on a 1.46 acre site. If the Planning Commission conditionally approves the project, the site plan and APFO approvals shall be valid for a period of three (3) years from the date of Planning Commission approval. Therefore, both the site plan and the APFO approval shall expire on October 14, 2018.

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Loading Space Modification in accordance with Z.O. § 1-19-6.210. To provide one small loading space on site, rather than the required one large loading space.
3. The Applicant shall work with Staff to identify and construct interparcel pedestrian connections as the project moves forward toward completion and prior to final site development plan signature approval.
4. The Applicant shall construct and have open to traffic the through connection, located on the west side with Evergreen Shopping Center.
5. Complete the requirements of the MD 85 Auto Spa APFO LOU.
6. FRO mitigation must be provided prior to applying for grading permit or building permit, whichever is applied for first.
7. Prior to site plan approval all common access easements shall be recorded and the respective liber folio's listed on the site plan.
8. Prior to final site plan approval the four areas of slight spillage located at the southern property boundary near the used auto dealership that will need to be lowered to 0.5 foot candles.

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP-99-19 **with conditions** and modifications as listed in the staff report **including APFO approval** for the proposed 5,120 square foot automated car wash, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: Rt 85 Auto Spa Rendering





FREDERICK COUNTY GOVERNMENT
DIVISION OF COMMUNITY DEVELOPMENT
Department of Planning & Development Review

Jan H. Gardner
County Executive

Steven C. Horn, *Division Director*
Jim Gugel, *Director*

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Route 85 Auto Spa

Site Plan #SP-99-19 AP #15247

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and WLR Investment Group (the "**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Route 85 Auto Spa Site Plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (land conveyance and contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's approximate 1.46 acre parcel which is zoned GC (General Commercial), and located on the west side of Buckeystown Pike (MD 85), just north of Grove Road. This APFO approval will be for the development of a 5,120 sq. ft. full service automated car wash, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on October 14, 2015.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer: The Property has a water and sewer classification of W-1, S-1, although the property is currently vacant and undeveloped. While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that building permits will be issued. Building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable county regulations.

Road Improvements: A traffic impact analysis (TIA) was performed for this Project by Street Traffic Studies, Ltd. dated February 4, 2015 and revised on April 30, 2015. Since the ITE trip generation rates for automated car washes are based on a very limited sample size, the Developer provided acceptable trip generation data from a nearby Auto Spa in Frederick City. Therefore, development of the site would result in and be capped at: 89 mid-day and 94 pm weekday peak hour, and 104 Saturday peak hour trips.

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In full satisfaction of APFO requirements to mitigate site-generated trips per §1-20-31, the Developer shall construct site access improvements as required by the State Highway Administration (SHA) and shown on the site plan to include:

- Extension of the existing median to a point north of the proposed site access to deter left turns into and out of the site along MD 85
- Closing of the driveway on MD 85 for access to Parcel 0196, immediately south of the proposed site access, and relocating access with Parcel 0196 to the site driveway
- A deceleration lane along southbound MD 85, beginning at the access with Evergreen Square, and continuing to the proposed site access

This improvement shall be guaranteed (SHA permit issued) prior to the issuance of the building permit and open to pedestrian and vehicular traffic for use, prior to the issuance of a Certificate of Occupancy.

The Developer is also required to provide fair share contributions to existing escrow accounts that are impacted by the proposed development of the site, per §1-20-12(H). The Developer shall pay into County-held escrow accounts the following pro rata contributions:

1. No. 3976: Additional northbound left turn lane on MD 85 at Guilford Drive: The estimated cost of this improvement is \$439,527. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 10.7%. Therefore, the Developer hereby agrees to pay \$47,029 to the escrow account for this Road Improvement.
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Therefore, prior to this issuance of a building permit, the Developer hereby agrees to pay \$153,704 to the escrow accounts for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on October 14, 2018.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

WLR Investment Group:

By:  Date: 9/15/15
Randall S. Simpson

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
William Hopwood, Chair or Anthony Bruscia, Secretary

ATTEST:

By: _____ Date: _____
Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date _____
(Approved for technical content)

County Attorney's Office Initials / Date _____
(Approved as to legal form)

Terra Solutions Engineering, LLC

Commercial & Residential Land Planning and Engineering

"Solutions through experienced Engineering"

5216 Chairmans Court, Suite 105
Frederick, Maryland 21703

Phone: 301-378-9842
Fax: 301-378-9849

July 7, 2015

Mr. Tolson DeSa
Division of Permitting and
Development Review
30 North Market Street
Frederick, Maryland 21701

Re: **Route 85 Auto Spa**
Loading Space Modification
Tax Map 77, Parcel 097
Situating on the west side of Route 85
File #: SP99-19, Project No.: 15247

Dear Mr. DeSa:

We respectfully request a loading space modification for the Route 85 Auto Spa Site Plan. The 85 Auto Spa will be an 5,120 sf automated car wash facility with twelve (12) detailing bays for customer use. Supplies for the operation are expected to be delivered by box truck.

Per the ordinance, one large space is required. However, the use on the site precludes the need for a large loading space. The owner has several similar facilities that do not receive supplies by tractor-trailer and he does not anticipate the need for delivery of supplies by a tractor-trailer on this site, either. A modification is requested to reflect one small loading space on this site.

If you have any questions or comments concerning this submission, please contact me at the phone number listed above or you can e-mail them to TerraSolutionsEngineering@gmail.com. Thank you for your assistance with this project!

Sincerely,

Terra Solutions Engineering, LLC



Michael Swanson, PE
Vice President, Engineering

Cc: Mr. Chad Bohn

WLR Investment Group